



Norman H. Bangerter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

September 4, 1992

TO: Minerals File

FROM: Holland Shepherd, Senior Reclamation Specialist *HMS*

RE: Site Inspection of the Pagano Clay Project, S/015/062, Emery County, Utah

Date of Inspection: September 3, 1992  
Time of Inspection: 5:30 p.m. to 6:30 p.m.  
Participants: Holland Shepherd, DOGM  
Conditions: Cloudy, hot, muddy in spots

Purpose of Inspection: To evaluate the current status of the site

The Pagano Clay Project was permitted as a Small Mine operation last June of 1992. I decided to drop by the site during my drive back to SLC from Moab to check up on the operation. The operator had earlier indicated to me that he intended to keep the site under 5 acres. The operator had already disturbed about 4 acres as of my last inspection.

During this inspection I found that the operation had been significantly expanded beyond the boundaries developed at the last inspection. The pit/quarry area has increased in size by approximately 3 acres. The access road has been widened and now encompasses approximately 3 acres. Staging areas and interconnecting roads encompass approximately 2 acres. Wastes dumps encompass another approximately 2 acres. The cumulative disturbance has increased well beyond the 5 acre Small Mine limit.

The operator has expanded the mining operation to the banks of the Price River. Mr. Marston had earlier indicated to me that the operation would be kept away from the Price River. I had stressed the importance of staying away from the river at the time of original permitting. The operator has impacted the embankments and riparian area associated with the river by pushing mine overburden material to the river's edge and, in places, into the river. The riparian area has been damaged and will need repair. The loose material will need to be pulled away from the river and the affected area revegetated.

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I also noticed that the operator had installed a pump to extract water from the Price River. The size of the hose, used for pumping appeared to be about 10 inches in diameter. The pump was situated in a bulldozed area next to the river and the hose was in the river.

I later contacted the Division of Water Rights in Price and spoke to Mr. Rick Wilde, concerning a permit to pump the Price River and determine whether or not the operator had obtained a stream alteration permit. I was informed by Mr. Wilde that the operator had applied for a water right permit, but had not yet applied for a stream alteration permit. No approved permits have been obtained for these activities as of the writing of this memo, although the operator has already proceeded with water extraction from the Price River and has altered the stream channel. The Army Corp of Engineers should also be contacted regarding the unpermitted activity associated with the river impacts.

The Division of State Lands and Forestry recently filed a trespass violation against the operator for failing to obtain a right-of-way permit across state property. The trespass involves the section of road which is currently being used by the operator to access the mine and to haul material off site. The road has been upgraded substantially. It is about 50 feet in width and extends .5 miles from the county road to the site. The road disturbs approximately 3 acres by itself.

Recommendations: The operator is essentially operating without a permit, at this time. Although the operator has filed a Small Mine Operator's Notice, the mine is currently being operated as a large mine and has severely impacted the Price River. I suggest filing a Notice of Non-Compliance with the operator as soon as possible.

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